

LS 6-1871

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Approved For Release 2001/08/24 : CIA-RDP59-00882R000200020004-1

Office Memorandum • UNITED STATES GOVERNMENT

TO : Office of General Counsel
25X1A9a

DATE:

Sept 18 1956

FROM : Acting Director of Security

SUBJECT: Draft proclamation entitled, "Control of Persons
Departing or Entering the United States"

1. The subject paper has been reviewed in accordance with your request of 6 September 1956.

2. From the standpoint of the activities of this Staff, it does not appear that the proposed proclamation will adversely affect the entry or departure of aliens of interest to the Agency. It is anticipated that the Secretary of State and Attorney General will continue to cooperate with the Agency in the implementation of the proposed proclamation as they have in the past under Proclamation 3004 of 17 January 1953.

FOR THE ACTING DIRECTOR OF SECURITY:

S/
[Redacted]
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Acting Chief, Alien Affairs Staff

OGC HAS REVIEWED.

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EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

LS 6-1773

Aug 29, 1956

My dear Mr. Dulles:

Herewith is one copy of each of the following:

1. Draft proclamation headed "Control of persons departing or entering the United States," which has been presented by the Office of Defense Mobilization (prepared by the Department of State).
2. Cover sheet presented therewith and relating to the proposed proclamation.

The Office of Defense Mobilization and the Department of State contemplate that the attached proposed proclamation will be brought to a state of readiness and kept on file at the White House Office. The proposal has been discussed by the Defense Mobilization Board.

The Director of the Bureau of the Budget would appreciate receiving an expression of your views with respect to this matter at your earliest convenience.

Sincerely yours,

5/
Assistant Director for
Legislative Reference

Honorable Allen W. Dulles
Director
Central Intelligence Agency
Washington 25, D. C.

Enclosures

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(CLASSIFICATION)

D(MINUS)-IV-A1-32
(13. DOCUMENT NUMBER)

1. PREPARING AGENCY State
2. DATE DRAFTED June 13, 1956
3. APPROVING OFFICIAL:
NAME John Foster Dulles
TITLE Secretary of State
SIGNATURE JOHN FOSTER DULLES

IMPLEMENTS EMERGENCY ACTION LISTED IN:

4. PLAN D-MINUS
5. PART III
6. SECTION A
7. ITEM 13

8. EMERGENCY ACTION AND OBJECTIVE:

**Presidential Proclamation
authorizing the Secretary of
State to control entry into and
departure from the United States
of all persons both citizens
and aliens.**

9. Action Date

D-Day

10. Responsible
Action Official

President

11. Official Responsible for
Subsequent Action

Secretary of State

12. DISCUSSION

**In time of world war it is indispensable to the security
of the United States that our Government control the entry
into and departure from the United States of all persons both
citizens and aliens. This Proclamation is directed to extending
present controls to a new emergency, with certain perfecting
amendments.**

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(Continue on reverse if need be)

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REF ID: A1-8
BRIEFING PAPER (REVISED)

PROCLAMATION
CONTROL OF PERSONS DEPARTING OR ENTERING
THE UNITED STATES
BY

THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

8 USC 1182

WHEREAS, section 215 of the Immigration and Nationality Act, enacted on June 27, 1952 (Public Law 414, 82nd Congress; 66 Stat. 163,190) authorizes The President to impose restrictions and prohibitions in addition to those otherwise provided by that Act upon the departure of persons from, and their entry into the United States, when the United States is at war or during the existence of any national emergency proclaimed by The President or, as to aliens, whenever there exists a state of war between or among two or more states, and when The President shall find that the interests of the United States so require; and

WHEREAS, I have this day proclaimed that a state of national emergency exists; and

WHEREAS, The exigencies of the international situation and of the national defense require that certain restrictions and prohibitions, in addition to those otherwise provided by law, be imposed upon the departure of persons from and their entry into the United States:

general authority of President to delegate

NOW, THEREFORE, I, President of the United States of America, acting under and by virtue of the authority vested in me by section 215 of the Immigration and Nationality Act and by section 301 of Title 3 of the United States Code, do hereby find and publicly proclaim that the interests of the United States require that restrictions and prohibitions, in addition to those otherwise provided by law, be imposed upon the departure of persons from, and their entry into the United States; and I hereby prescribe and make the following rules, regulations, and orders with respect thereto:

1. No citizen in the United States or person who owes allegiance to the United States, shall depart from or enter, or attempt to depart from or enter, the United States, including the Canal Zone, and all territories and waters, continental or insular, subject to the jurisdiction of the United States, unless he bears a valid passport issued by the Secretary of State, or under his authority, or by a diplomatic or consular officer of the United States, or by the Chief Executive of Hawaii, of Puerto Rico, of the Virgin Islands of the United States, of American Samoa, or of Guam, or unless he comes within the provisions of such exceptions or fulfills such conditions as may be prescribed in rules and regulations which have been or may be prescribed by the Secretary of State. Sections 53.1 to 53.9 of Title 22 of the Code of Federal Regulations are hereby incorporated and made a part of this proclamation; and the Secretary of State is hereby authorized to revoke, modify or amend such regulations as he may find the interests of the United States require.

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ALERT DOCUMENT NO. 4

2. (a) No alien shall depart from, or attempt to depart from, the United States, including the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States, unless he is in possession of a valid permit to depart issued by the Secretary of State or by an official designated by the Secretary of State for such purpose, or unless he is exempted from obtaining a permit to depart, in accordance with such rules and regulations which the Secretary of State is hereby authorized to issue, amend, or revoke, as he may find the interests of the United States to require.

(b) No alien shall be issued a permit to depart, or be permitted to depart, from the United States if it appears to the satisfaction of the Secretary of State that the departure of such alien would be prejudicial to the interests of the United States in accordance with such rules and regulations which the Secretary of State is hereby authorized to issue, amend, or revoke, as he may find the interests of the United States to require.

(c) Notwithstanding the provisions of subparagraphs (a) and (b) of this paragraph, the Attorney General shall have the power to prevent temporarily the departure of any alien as prejudicial to the interests of the United States, until such time as the Secretary of State shall decide that the departure of such alien would not be prejudicial to the interests of the United States.

3. (a) No alien shall enter, or attempt to enter, the United States, including the Canal Zone, and all territory and waters, continental or insular, subject to the jurisdiction of the United States, unless he is in possession of a valid unexpired permit to enter issued by the Secretary of State, or by an appropriate officer designated by the Secretary of State, or is exempted from obtaining a permit to enter, in accordance with such rules and regulations which the Secretary of State is hereby authorized to issue, amend, or revoke, as he may find the interests of the United States to require.

(b) No alien shall be issued a permit to enter the United States if it appears to the satisfaction of the Secretary of State or other permit-issuing officer that the entry of such alien would be prejudicial to the interests of the United States in accordance with such rules and regulations which the Secretary of State is hereby authorized to issue, amend, or revoke as he may find the interests of the United States to require. Provided, That the Secretary of State shall have final authority to determine as to whether the issuance of a permit to enter would be prejudicial to the interests of the United States.

(c) Notwithstanding the provisions of subparagraphs (a) and (b) of this paragraph, no alien applying for admission into the United States, including an alien in possession of a valid permit to enter, shall be permitted to enter the United States if it appears to the satisfaction of the Attorney General that the entry of such alien would be prejudicial to the interests of the United States: Provided, That the Attorney General shall immediately notify the Secretary of State of any action taken to exclude, and, should the Secretary of State so request, shall reach a final decision to exclude only after consultation with the Secretary of State, with respect to the following classes of nonimmigrant aliens:

(1) Aliens applying for admission into the United States as nonimmigrants under section 101(a)(15)(A) or (G) of the Immigration and Nationality Act (66 Stat. 167, 168), or as

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nonimmigrants under section 11(3), 11(4), or 11(5) of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations (61 Stat. 756); or

(2) Other nonimmigrant aliens applying for admission into the United States if the Secretary of State, considering their cases to involve foreign policy interests of the United States, has requested the Attorney General to apply this proviso.

4. No person shall depart from or enter, or attempt to depart from or enter, the United States without submitting for inspection, if so required, all documents, articles, or other things which are being removed from or brought into the United States upon or in connection with such person's departure or entry, and which are hereby made subject to official inspection, in accordance with such rules and regulations as may be prescribed by the Secretary of State in the cases of citizens, and in the cases of nonimmigrants described in section 101(a)(15)(A) or (G), or in section 212(d)(8), of the Immigration and Nationality Act, or in section 11(3), 11(4), or 11(5) of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations (61 Stat. 756), or, in the cases of all other aliens, in accordance with such rules and regulations as have been or may be prescribed by the Attorney General or the Secretary of the Treasury.

5. After the issuance of a permit to enter or a permit to depart to any alien, the Secretary of State, or the permit-issuing officer, may at any time revoke such permit if satisfied that the entry or departure of the alien would be prejudicial to the interests of the United States; Provided, That with respect to any such revocation the Secretary of State shall have final authority to determine as to whether the entry or departure of the alien concerned would be prejudicial to the interests of the United States.

6. Except insofar as the authority to prescribe rules and regulations governing the issuance, refusal, and revocation of permits to enter and permits to depart is conferred upon the Secretary of State, the Attorney General is hereby authorized to prescribe such additional rules and regulations governing the departure of aliens from and their admissibility into the United States as he may find the interests of the United States to require. In formulating their respective rules and regulations under this proclamation, the Secretary of State and the Attorney General shall, whenever practicable, consult with each other.

7. Except as may be otherwise provided, the provisions of this proclamation and the rules and regulations incorporated into and made a part thereof, or issued in pursuance thereof, shall be in addition to, and shall not be held to repeal, modify, suspend, or supersede, any proclamation, rule, regulation, or order in effect and heretofore issued under the immigration laws of the United States; and compliance with the provisions of this proclamation, or of any rule or regulation which has been or may be issued in pursuance of the provisions of section 215 of the Immigration and Nationality Act, shall not be considered as exempting any person from the duty of complying with the provisions of any statute, proclamation, rule, regulation, or order heretofore issued and still in effect.

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I hereby direct all departments and agencies of the Government to
 comply with the Secretary of State and the Attorney General in the execution
 of any order issued in pursuance hereof; and such departments and agencies
 upon request make available to the Secretary of State and the Attorney
 General for that purpose the services of their respective officials and agents.
 I command upon all officers of the United States charged with the execution of
 the laws thereof the utmost diligence in preventing violations of section 215 of
 the Immigration and Nationality Act and this proclamation, including the regu-
 lations of the Secretary of State incorporated herein and made a part thereof,
 and in bringing to trial and punishment any persons violating any provision
 of that section or of this proclamation. ✓

9. Proclamation 3004 of January 17, 1953 (3 CFR, 1953 Supp.), including
 the regulations incorporated therein, are hereby superseded by the provisions
 of this proclamation, the regulations incorporated herein, and such rules and
 regulations as may be prescribed thereunder.

This proclamation shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the
 United States of America to be affixed.

DONE at the City of Washington this _____ day of _____ in the year
 of our Lord _____ and of the Independence of the
 United States of America the _____

By the President _____

Secretary of State.

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